



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|---------------------|------------------|
| 09/960,098 | 09/21/2001 | Mineo Okamura | FUJZ 19.021 | 5081 |
| 7590 06/07/2005 | | | EXAMINER | |
| Rosenman & Colin LLP | | | WONG, WARNER | |
| 575 Madison Avenue | | | ART UNIT | |
| New York, NY 10022-2585 | | | PAPER NUMBER | |
| | | | 2661 | |
| DATE MAILED: 06/07/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

09/960,098

Applicant(s)

OKAMURA, MINEO

Examiner

Warner Wong

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26-May-2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21-Sep-2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because Figure 6 omitted the reference 53_1n, 54_1n, 55_1n and 56_1n as specified under paragraph 3 of the Specifications section. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: Under paragraph 4 of the Description of the Embodiments section, the reference numerals 51-56 may be instead referring to 51_1 – 51_6 to yield a validity between the description and the drawing. Appropriate corrections are required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hass ('063).

Regarding claim 1, Hass ('063) discloses a method which releases older un-needed trunks (tunnels) from a mobile node handoff at the serving MTSO (communication device) when a new target MTSO (accommodating communication device) is identified. Hass ('063) fails to describe a predetermined threshold value for the allowable number of trunks (tunnels).

It would have been obvious to one of ordinary skill in this art at the time of invention by applicant to modify the method of Hass ('063) by adding a predetermined threshold value for the allowable number of trunks (tunnels) because the modification will prevent system resources from overloading during design and implementation.

Art Unit: 2661

Regarding claim 3, the Hass ('063) method allows a handoff (movement) to establish a new trunk (tunnel) for transferring the communication packet of the mobile node to the new destination's MTSO (accommodating communication device) (figures 6-8).

Similar to the above mentioned analysis of claim 1, in claim 3 the serving MTSO (communication device) managing the number of trunks (tunnels) will be subjected to a system resource overload limit (predetermined threshold value).

Regarding claim 2, the Hass ('063) method allows each mobile node to have a unique number of trunks (threshold value) (figures 6-8).

Thus, claims 1-3 are properly rejected under 35 U.S.C. 103.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claim 6 is rejected under 35 U.S.C. 102(e) as being anticipated by Kakemizu ('164).

Regarding claim 6, Kakemizu ('164) discloses a network system with mobility management between the Home Network (communication device) and the Foreign Network (accommodating communication device) which includes a Home Agent with a timer (lifetime) to determine and properly remove IP addresses entries representing connections (i.e. tunnels) from its system table to save network resources (based on total number of tunnels) (0215-0219).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kakemizu ('164).

Kakemizu ('164) discloses a mobile network system with a Home Agent that uses a timer to determine and properly remove its IP table (i.e. connection) entries to save network resources (0215-0219).

Kakemizu ('164) fails to describe that the lifetime/expiration of the connection be notified to the mobile node.

It would have been obvious to one of ordinary skill in this art at the time of invention by applicant to have use the mobile network system of Kakemizu ('164) with an added functionality of notification of lifetime to the mobile should this information is needed by the mobile (motivation).

Thus, claim 7 is properly rejected under 35 U.S.C.103.

Allowable Subject Matter

8. Claims 4 and 5 allowed.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

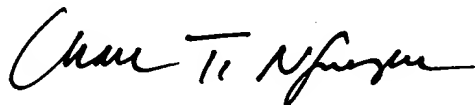
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Warner Wong whose telephone number is 571-272-8197. The examiner can normally be reached on 6:00AM - 3:00PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Warner Wong
Examiner
Art Unit 2661

WW



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600